

1 BILL NO. S-83-09- 13

2 SPECIAL ORDINANCE NO. S-196-83

3 AN ORDINANCE approving a Contract
4 by the City of Fort Wayne by and
through its Board of Public Works
5 and Artisans-Stauffer, Inc., for
FoxChase Condominiums, Phase I -
6 Water Contract 8310, Sanitary
Sewer Extension Contract.

7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
8 OF THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. The annexed Contract, made a part hereof,
10 by the City of Fort Wayne by and through its Board of Public
11 Works and Artisans-Stauffer, Inc., for FoxChase Condominiums,
12 Phase I - Water Contract 8310, Sanitary Sewer Extension Contract,
13 is hereby ratified, affirmed and approved in all respects. The
14 work under said Contract requires:

15 This is an agreement between Artisans-Stauffer,
16 Inc. and the City for Water Contract 8301, Sani-
tary Sewer Extension AGreement for FoxChase
17 Condominiums on FoxChase Run from North Clinton
Street eastward 2510+ feet. Artisans-Stauffer,
18 Inc. is constructing a new condominium and de-
sires to obtain sanitary sewer services;

19 there are no City funds involved in this Contract.

20 SECTION 2. Prior Approval was received from Council
21 with respect to this Contract on August 23, 1983. Two (2) copies
22 of the Contract attached hereto are on file with the City Clerk
23 and are available for public inspection.

24 SECTION 3. That this Ordinance shall be in full force
25 and effect from and after its passage and any and all necessary
26 approval by the Mayor.

27
28 APPROVED AS TO FORM
29 AND LEGALITY

30 
31 Councilmember

32 Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Scruggs, seconded by Dalton, and duly adopted, read the second time by title and referred to the Committee City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock P.M., E.S.T.

DATE: 9-13-83

Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by Scruggs, seconded by Tom Davis, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCRUGGS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: Sept 27, 1983

Sandra E. Kennedy
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. I-196-83
on the 27th day of September, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
CITY CLERK

Bay-L-E-Bark
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of Sept., 1983, at the hour of 11:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
CITY CLERK

Approved and signed by me this 30th day of September, 1983, at the hour of 12 o'clock P. M., E.S.T.

Win Moses Jr.
WIN MOSES, JR. - MAYOR

73-157-14
8/24/83

CONTRACT NO. 8301

BOARD ORDER NO. 116-83

WORK ORDER NO. 63639

THIS AGREEMENT, made and entered into this 24th day of August, 1983, by and between Artisans-Stauffer, Inc., hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the Mayor, and the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said CONTRIBUTOR and the said UTILITY for the considerations hereinafter named, agree as follows:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water main system including all necessary fittings to serve Foxchase Condominiums, Phase I, as follows:

On Foxchase Run from North Clinton Street eastward 2510± feet.

Said water main system to include: 1850± feet of 8" and 660± feet of 6" main.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the UTILITY or approved by the UTILITY, which are on file in the office of the Engineering Department of the UTILITY, and by reference made a part hereof; and the said UTILITY shall furnish water thru said system, when completed, in accordance with rules and regulations of said UTILITY and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire system shall have been tested, disinfected, and placed in service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this contract that the CONTRIBUTOR shall furnish all materials, contractual labor and equipment for the construction of said water main system through Scheidleman Excavating, Inc. at a cost of thirty-five thousand three hundred ninety-four dollars and no/100 (\$35,394.00), and that said CONTRIBUTOR shall pay the UTILITY upon execution of this contract for the necessary labor for inspecting, pressure testing, disinfection, and engineering at a cost of one thousand five hundred dollars and no/100 (\$1,500.00). Therefore, the total cost of said water main system is thirty-six thousand eight hundred ninety-four dollars and no/100 (\$36,894.00) and which amount is the contract price of this AGREEMENT.
4. The UTILITY may approve the extension of additional water mains from the water main(s) covered in this Contract without incurring any financial obligations to the CONTRIBUTOR under this Contract.

WECONT
JOB D
remove 9/15/83

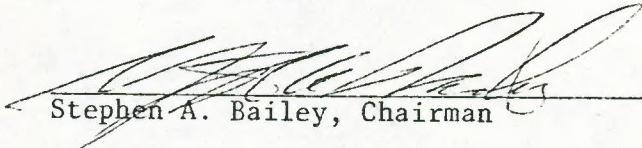
5. It is further understood and agreed that, upon completion of said water main system, the CONTRIBUTOR or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the Board of Public Works of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of the acceptance of the said system by the CITY and shall be in the minimum amount of eight thousand eight hundred fifty dollars and no/100 (\$8,850.00). After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the UTILITY will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the UTILITY the Board of Public Works will issue a letter of acceptance of the project to the CONTRIBUTOR. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.

WITNESS THE HANDS AND SEALS OF SAID PARTIES the day and year are first above written.

CITY OF FORT WAYNE, INDIANA

BY: 
Win Moses, Jr., Mayor

BOARD OF PUBLIC WORKS:

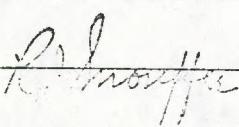

Stephen A. Bailey, Chairman


Betty R. Collins, Member

ATTEST:

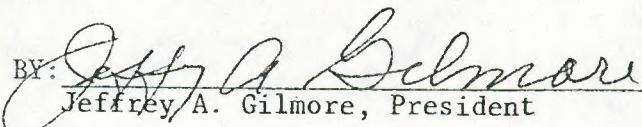

Helen V. Gochenour, Clerk

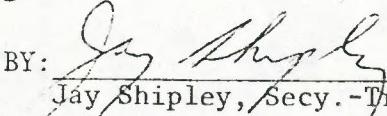
APPROVED AS TO FORM AND LEGALITY:


R. J. Gilmore
ASSISTANT CITY ATTORNEY

CONTRIBUTOR:

ARTISANS-STAUFFER, INC.

BY: 
Jeffrey A. Gilmore, President

BY: 
Jay Shipley, Secy.-Treas.

Prepared by:
Terry L. Atherton, P.E.
Chief Water Engineer

ACKNOWLEDGMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, this 24th day of August, 1983, personally appeared the within named Win Moses, Jr., Mayor of the City of Fort Wayne; Stephen A. Bailey, and Betty R. Collins, members of the Board of Public Works, City of Fort Wayne, Indiana; and Helen V. Gochenour, Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn, said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the Fort Wayne Water Utility of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

In Witness Whereof, hereunto subscribed my name, affixed my official seal.

My Commission Expires:

8/21/87

Theilma A. Morris

Notary Public - *Theilma A. Morris*
A Resident of Allen County, Indiana

ACKNOWLEDGMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, this 16th day of August, 1983 personally appeared the within named Jeffrey A Gilmore and Jay Shipley being by me first duly sworn upon their oaths say that they are the President and Secretary-Treasurer respectively, of Artisans-Stauffer, Inc., CONTRIBUTOR herein, and as such duly authorized to execute the foregoing instrument and the same as the voluntary act and deed of Artisans-Stauffer, Inc., for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

My Commission Expires:

May 5, 1985

Betty J. Mitchell

Notary Public - *Betty J. Mitchell*
A Resident of Allen County, IN

BILL NO. S-83-09-13

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN
ORDINANCE approving a Contract by the City of Fort Wayne by and
through its Board of Public Works and Artisans-Stauffer, Inc., for FoxChase
Condominiums, Phase I - Water Contract 8310, Sanitary Sewer Extension
Contract

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE *DP.* PASS.

VICTURE L. SCRUGGS, CHAIRMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

DONALD J. SCHMIDT

MARK E. GIAOUINTA

PAUL M. BURNS

Vulture Dercaps

Samuel F. Talarico

07 Schoniger

Reba G. Gil

Daryl M. Dunn

Sandra F. Kennedy

Concurred in 9-27-83

6409

Admn. Appr.

TITLE OF ORDINANCE Water Contract 8301, San. Sewer Extension Agreement for FoxChase
Condominiums

DEPARTMENT REQUESTING ORDINANCE Board of Public Works J-83-09-13

SYNOPSIS OF ORDINANCE This is an agreement between Artisans-Stauffer, Inc. for Water

Contract 8301, San. Sewer Extension Agreement for FoxChase Condominiums on FoxChase

Run from North Clinton Street eastward 2510± feet. Artisans-Stauffer, Inc. is
constructing a new condominium and desires to obtain sanitary sewer services.

PRIOR APPROVAL RECEIVED

8/23/83

EFFECT OF PASSAGE Sewer services for FoxChase Condominiums

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) No City funds involved

ASSIGNED TO COMMITTEE